



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/173474

PRELIMINARY RECITALS

Pursuant to a petition filed April 04, 2016, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Eau Claire County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on May 17, 2016, at Eau Claire, Wisconsin.

The issue for determination is whether the county agency correctly denied the petitioner's FoodShare application because he previously received benefits for three months without fulfilling the program's work requirements.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED]
Eau Claire County Department of Human Services
721 Oxford Avenue
PO Box 840
Eau Claire, WI 54702-0840

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Eau Claire County.

2. The county agency denied the petitioner's April 1, 2016, FoodShare application because he had previously received benefits for three months without complying with the program's work requirements.
3. The county agency sent a letter addressed to the petitioner on April 10, 2015, scheduling an FSET appointment with him for April 16, 2015. He did not attend the meeting.
4. The petitioner received FoodShare for three months in 2015 without meeting the program's work requirements.

DISCUSSION

Federal FoodShare law directs states to require recipients to work or participate in a Food Stamp Employment and Training Program (FSET) or a similar program. 7 CFR 273.7(a)(i). Wisconsin obtained a waiver, which had made the FoodShare program's work requirements voluntary since 2008. In 2014, the state again began making the work requirements mandatory. Wis. Stat. §49.79(10). Persons between 18 and 50 years old who are neither pregnant nor have children under 18 and who are mentally and physically able to work cannot receive FoodShare for more than three full months in any 36-month period unless they comply with the program's work requirements. 7 CFR § 273.24(b); Wis. Stat. § 49.79(1)(am) and (10)(a)2. To comply with these requirements, a person must work or participate in an authorized program at least 20 hours per week. 7 CFR § 273.24(a)(1). But a person does not have to meet these requirements if he has "good cause" not to. Federal regulations allow states discretion to determine what *good cause* is, but include the following requirement:

Good cause includes circumstances beyond the member's control, such as, but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, the unavailability of transportation, or the lack of adequate child care for children who have reached age six but are under age 12.

7 CFR § 273.7(2)

The county agency denied the petitioner's recent FoodShare application because he received benefits for three months in 2015 without completing the program's work requirements. He contends he was unaware of these requirements because his former wife took care of arrangements for things like this. This is not good cause for failing to comply because it was not a situation beyond his control: people in a household are expected to be aware of requirements that affect them when a letter is sent to their household. Moreover, the evidence contradicts his assertion that he did not know of the requirements. The letter informing his household of the requirements was sent to him. Also, in May 2015, he told the agency that he was not going to comply with the program's requirements because he had found work, something he would have done only if he was aware of the requirements. Based upon this, I find that he did not have good cause for failing to comply with the FoodShare program's work requirements and therefore is ineligible for the program.

CONCLUSIONS OF LAW

The county agency correctly determined that the petitioner is ineligible for FoodShare because he failed to comply with the program's work requirements.

THEREFORE, it is

ORDERED

The petitioner's appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 17th day of May, 2016

\sMichael D. O'Brien
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on May 17, 2016.

Eau Claire County Department of Human Services
Division of Health Care Access and Accountability